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EXAMINER

TEKLE, DANIEL T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/082,268	<b>Applicant(s)</b> NAKAJIMA ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Argument***

Applicant's arguments filed September 24, 2008 have been fully considered and the final office action is withdrawn. In addition the following argument is in response to applicant argument filed April 20, 2008.

Applicant argues regarding the 35 U.S.C. 112 rejection on page 2 last paragraph of the remark, "the term automatic is not explicitly recited in the specification, it should be apparent to a person having ordinary skill in the art that individual is not performing the function. As such, the amendment is supported".

In reply the examiner respectfully disagrees. There is no verification to show that because of "the individual not performing the function" means the process works automatically. Therefore regarding these specific contents the rejection stand as it is; however regarding claims 13, 16-17, 19 and 33 rejection under 35 U.S.C 112 withdrawn.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 11-12** rejected under 35 U.S.C. 101 because it claims a computer readable medium, which by the specification is disclosed (page 36-37 last paragraph) as either a computer storage medium or transmitted as part of an electromagnetic signal. This is non-statutory subject since the signal is not altered in any way. If a claimed process

manipulates only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the claim is not being applied to appropriate subject matter. Schrader, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. A claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4, 11 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding Claims 1, 4, 11 and 25: The newly added limitation, "automatically" has no found support in the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-34 are rejected under 35 U SC 102(b) as being anticipated by Nakata et al. (US 20030091329).

**Regarding claim 1:** Nakata et al disclose a video playback unit comprising: video playback means for reading in a designated video file and outputting a video of the video file for playback (**paragraph 0172**); scene description file read-in means for reading in a scene description file which describes a scene inside the video file (**paragraph 0173**); means for outputting a time information sequence existing before and after the playback time of the video within time information described in the scene description file (**paragraph 0180**); means for outputting the still image sequence corresponding to the time information displayed, wherein the still image is described in the scene description file (**paragraph 0180**); means for renewing the display of the time information sequence and the still image sequence by synchronizing with the playback time of the video (**paragraph 0180**); and display means for displaying video, time information sequence and still image sequence (**paragraph 0179**).

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**Regarding claim 2:** Nakata et al disclose a video playback unit according to claim 1, wherein video playback means starts to play back the video from the time decided by the time information selected from within at least one of time information sequence and still image sequence or the time information of a still image (**paragraph 0184**).

**Regarding claim 3:** Nakata et al disclose a video playback unit according to claim 1, comprising: a cache memory storing in advance scene description file, wherein scene description file read-in means reads the time information sequence and a still image display sequence from the cache memory when the display of time information sequence and the still image sequence are changed (**paragraph 0099**).

**Regarding claim 4:** Nakata et al disclose a video delivery unit having: means for delivering a video data related to the designated video file from a server at a constant transmission rate; and means for delivering a scene description data which describes the scene of the video file from the server by synchronizing with the video data at a constant transmission rate (**paragraph 0251 and 0264**).

**Regarding claim 5:** Nakata et al disclose a video delivery unit according to claim 4, wherein the transmission rate of scene description data is decided by a file size and a scene information described in the scene description file (**paragraph 0264**).

**Regarding claim 6:** Nakata et al disclose a video playback unit for receiving video data and scene description data which are delivered from the video delivery unit according to at least one of claim 4 and 5, comprising: a cache memory for storing the video data and the scene description data in a received order (**paragraph 0154**); video playback means for reading in the Video data stored in the cache memory and outputting the

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video data for playing back **(paragraph 0172)**; scene description file read-in means for reading in the scene description file stored in the cache memory **(paragraph 0173)**; means for outputting the time information sequence existing before and after the playback time of the video wherein the time information is described in the scene description data **(paragraph 0180)**; means for outputting the still image sequence corresponding to the time information displayed wherein the still image is described in the scene description data **(paragraph 0180)**; means for changing a display of the time information sequence and the still image sequence by synchronizing the playback time of the video; and display means for displaying video, time information sequence and still image sequence **(paragraph 0179)**.

**Regarding claim 7:** Nakata et al disclose a video playback unit according to claim 1, wherein scene description file read-in means reads in the scene description file corresponding to the predetermined number of time information sequences and still image sequences **(paragraph 0085)**.

**Regarding claim 8:** Nakata et al disclose a video playback unit according to claim 1, wherein means for outputting time information sequence and the still image sequence changes the time information sequence and the still image sequence being displayed to the time information sequence to be displayed next and the still image sequence corresponding to the time information sequence, respectively, when playback time of the video has passed designated time information **(paragraph 0184 and 0186)**.

**Regarding claim 9:** Nakata et al disclose a Video playback unit according to claim 6, comprising means for transmitting the time, which is decided by the time information

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selected within time information sequence and still image sequence or the time information of the still image to the video delivery unit (**paragraph 0212**); wherein the video data and the scene description data corresponding to the time information are received from the video delivery unit, the received video data is played back and displayed, and the time information sequence and the still image sequence from the received scene description data are displayed (**paragraph 0199**).

**Regarding claim 10:** Nakata et al disclose a video playback unit according to claim 1, wherein said time information sequence is at least one of the time information sequence which increases by a designated time step, the time information sequence of the top of a cutting point which shows a scene change of the video, the time information sequence of a key frame point which shows a center of the video scene, the time information sequence which shows a switching point from non-audible sound to audible sound of the audio, the time information sequence which shows a time when a specific effective sound such as clapping, laughter has generated, the time information sequence which shows a time when a specific video such as a telop and a CG video has generated and the time information sequence designated arbitrarily (**paragraph 0199 and 0212**).

**Regarding claim 11:** Claim 11 is rejected for the same subject matter as claim 1.

**Regarding claim 12:** Nakata et al disclose a computer readable recording medium according to claim 11, further being recorded with a program wherein it is determined whether the playback time of video has passed a designated time information or not and, when determined that it has passed, the time information sequence and the still image sequence being displayed are changed to the time information sequence and the



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still image sequence corresponding to the time information sequence to be displayed next and outputted (**paragraph 0194**).

**Regarding Claim 13:** Nakata et al disclose a video playback unit of a plurality of videos comprising: video description file processing means for reading in a video description file of a designated video group (**paragraph 0184**); main video playback means for playing back a plurality of frames of a first main video file designated by the video information described in the video description file (**paragraph 0184-185**); proxy video playback means for playing back a plurality of frames of a second proxy video file designated by the video information described in video description file (**paragraph 0184-185**); and display means for displaying the first main video including a plurality of frames and the second proxy video including a plurality of frames played back by main video playback means and second proxy video playback means, wherein proxy video file is small in a file size or a coded bit rate in contrast to main video file (**paragraph 0184-185**).

**Regarding claim 14:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 13, wherein second proxy video file is displayed inside or outside the display screen of first main video file (**paragraph 0171**).

**Regarding claim 15:** Nakata et al disclose a video playback unit of a plurality of videos according to the claim 14, comprising: means for changing the playback display of the second proxy video file to the playback display of the second main video file .(paragraph 0176); and means for changing the playback display of the first main video file to the playback display of the first proxy video file (**paragraph 0174**); wherein the first proxy

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video file is displayed inside or outside the display screen of the second main video file **(paragraph 0175)**.

**Regarding claim 16:** Nakata et al disclose a video playback unit of a plurality of videos comprising: video description file processing means for reading in a video description file of a designated video group **(paragraph 0172)**; proxy video playback means for playing back a plurality of frames of the proxy video files of a plurality of video files designated by the video information described in the video description file **(paragraph 0176-0177)**; means for selecting one video file from the displayed proxy video file **(paragraph 0176)**; and means for changing the selected proxy video file to the playback display of the main video file **(paragraph 0176)**.

**Regarding claim 17:** Nakata et al disclose a video playback unit of a plurality of videos comprising: video description file processing means for reading in a video description file of a designated video group **(paragraph 0183)**; main video playback means for playing back the first main video file designated by the video description file **(paragraph 0183)**; proxy video playback means for playing back a plurality of frames of the first to the nth proxy video files designated by the video description file **(paragraph 0184-0185)** means for selecting an arbitrary proxy video file from the displayed n pieces of the proxy video files **(paragraph 0176)**; and means for switching the first main video file being displayed to the main video playback display of the arbitrary proxy video file **(paragraph 0184)**.

**Regarding claim 18:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 17, wherein the playback time of the arbitrary proxy video is taken as

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a playback starting time of the optional main video file at the time when switched to the playback display of arbitrary main video file **(paragraph 0176)**.

**Regarding claim 19:** claim 19 is rejected for the same subject matter as claim 17.

**Regarding claim 20:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 19, the playback time of the arbitrary proxy video file is taken as the playback starting time of the main video file at the time when arbitrary proxy video file is switched to the playback display of the main video file, and the playback time of the first main video file is taken as the playback starting time of the arbitrary proxy video file at the time when first main video file is switched to the playback display of the proxy video file **(paragraph 0212)**.

**Regarding claim 21:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 13, comprising: means for reading in the scene description file which describes the scene inside the selected main video file, wherein the scene inside the main video file is displayed on display means based on the scene information described in the scene description file **(paragraph 0171)**.

**Regarding claim 22:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 21, wherein the scene information described in scene description file are scenes existing before and after the playback time of main video file **(paragraph 0194)**.

**Regarding claim 23:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 21, wherein the scene information described in scene description file is the time information and the still image, the video playback unit comprising: means for

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outputting the time information sequence existing before and after the playback time of main video file within time information **(paragraph 0212)**; and means for outputting the still image sequence corresponding to time information sequence within still image, wherein time information sequence and still image sequence are displayed on display means **(paragraph 0212)**.

**Regarding claim 24:** Nakata et al disclose a video playback unit of a plurality of videos according to claim 23, wherein the displays of said time information sequence and said still image sequence are changed by synchronizing with the playback time of said main video file **(paragraph 0194)**.

**Regarding claim 25:** Nakata et al disclose a video delivery unit comprising: means for delivering a designated video description file from a server **(paragraph 0224)**; means for delivering the main video file and the proxy video file described in the video description file from the server at a constant transmission rate **(paragraph 0224 and 0264)**; means for delivering the scene description file which describes the scene of the video file described in the video description file from the server by automatically synchronizing with said main video data at a constant transmission rate **(paragraph 0224 and 0264)**.

**Regarding claim 26:** Nakata et al disclose a video delivery unit according to claim 25, wherein the transmission rate of said scene description file is decided from the file size and the scene information described in the scene description file **(paragraph 0264)**.

**Regarding claim 27:** Nakata et al disclose a video playback unit, which receives main video file, the proxy video file and the scene description file delivered from the video

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delivery unit according to one of claims 25 and 26, the video playback unit of a plurality of videos comprising: means for reading in video description file (**paragraph 0199**); a cache memory for storing main video file, the proxy video file and the scene description file in a received order (**paragraph 0154**); means for reading in the scene description file content stored in the cache memory (**paragraph 0156**); means for outputting the time information sequence existing before and after the playback time of the video, wherein the time information is-described in the scene description file (**paragraph 0199**); means for outputting the still image sequence corresponding to the time information displayed, wherein the still image described in the scene description file (**paragraph 0199**); main video playback means for playing back the main video file designated by the video information described in the video description file (**paragraph 0212**); proxy video playback means for playing back the proxy video file designated by the video information described in the video description file (**paragraph 0199**); means for displaying main video, proxy video, time information sequence and still image sequence (**paragraph 0199 and 0212**); wherein means for outputting time information sequence changes the displays of the time information sequence and the still image sequence by synchronizing with the playback time of the main video file (**paragraph 0199 and 0212**).

**Regarding claim 28:** Nakata et al disclose a video playback unit according to claim 27, wherein means for outputting time information sequence changes the time information sequence and the still image sequence being displayed to the time information sequence to be displayed next and the still image sequence corresponding to the time

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information sequence, respectively, when the playback time has passed the designated time information **(paragraph 0199)**.

**Regarding claim 29:** Nakata et al disclose a video playback unit according to claim 13, wherein said proxy video file uses the abstract video of the main video file **(paragraph 0173)**.

**Regarding claim 30:** Nakata et al disclose a video playback unit according to claim 29, wherein the abstract video utilizes the abstract video formed by combining the videos which abstracts a part within each section which divides the main video file into a predetermined time section **(paragraph 0194)**.

**Regarding claim 31:** Nakata et al disclose a video playback unit according to claim 29, wherein the abstract video utilizes the abstracted video formed by combining the videos which extracts a part within each shot section which divides the main video file into shots **(paragraph 0194)**.

**Regarding claim 32:** Nakata et al disclose a video playback unit according to claim 29, wherein said abstracted video utilizes the abstracted video formed by combining the still images which extracts the videos of the several times within the main video file **(paragraph 019)**.

**Regarding claim 33:** Claim 33 is rejected for the same subject matter as claim 16.

**Regarding Claim 34:** A video playback unit of a plurality of videos comprising:  
video description file processing means for reading in a video description file of a designated video group **(paragraph 0172)**; main video playback means for playing back a first main video file designated by the video information described in the video

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description file (**paragraph 0178**); proxy video playback means for playing back a second proxy video file designated by the video information described in video description file (**paragraph 0175**); and display means for displaying the first main video and the second proxy video played back by main video playback means and proxy video playback means (**Fig. 12 elements 92 and 179**), wherein proxy video file is small in a file size or a coded bit rate in contrast to main video file (**Fig. 12 element 179**), wherein the main video playback means and the proxy video playback means both play back video at the same time (**Fig. 12 elements 92 and 179**).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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